

## REMARKS/ARGUMENT

Applicant respectfully acknowledges receipt of the Office Action mailed August 15, 2006. In the Office Action, the Examiner (1) rejected claim 3 under 35 U.S.C. § 102(b) as being anticipated by Hallsworth et al. (US 4,246,676) and (2) rejected claims 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Hallsworth et al. in view of Reynolds et al. (US 3,685,517). In response, Applicant has cancelled claim 2 and amended claims 3 and 4. New dependent claim 5 has been added. For the reasons, which follow, Applicant requests reconsideration and allowance of all claims.

### **I. Claim Rejection Under 35 U.S.C. § 102(b)**

The Examiner states that claim 3 is anticipated by Hallsworth et al. Claim 3 has been amended to specify an additional feature of the check valve, namely that the floatball cage comprises a plurality of spaced-apart members. This feature is disclosed in Figs. 1, 2 and 3 of the drawings. In the operation of Applicant's invention, this feature serves the function of minimizing interference with the cleaning process when the interior of the canister is being cleaned (page 6, lines 4-7).

This additional feature is not disclosed in Hallsworth et al. It is apparent from Hallsworth et al. that the cylindrical portion 50 of the vacuum port comprises solid walls with apertures 52. Accordingly, amended claim 3 is not anticipated by Hallsworth et al.

### **II. Claim Rejections - 35 U.S.C. § 103(a)**

In rejecting claims 2 and 4, the Examiner states that it would have been obvious to add the liner and upper valve structure of Reynolds et al. to the liquid-collecting vacuum of Hallsworth et al. in order to provide for a reusable device for collection of potentially hazardous liquids. In response, claim 2 has been cancelled and claim 4 amended to depend from amended claim 3 and new claim 5.

As discussed above, Hallsworth et al. does not disclose the feature added to amended claim 3. Likewise, Reynolds et al. does not disclose that feature. The float housing 25 of Reynolds et al.

is a solid-walled container having a slot 52 in its side and a bottom opening 28 (column 6, lines 17-18).

Accordingly, and for at least this reason, amended claim 4 is not obvious in view of Hallsworth et al. and Reynolds et al.

### **III. New Claim**

Claim 5 is added to further specify that the needle valve is detached from the floatball. This feature is shown in Figs. 1, 2 and 3 of the drawings. As with the feature added to claim 3, this feature serves the function of minimizing interference with the cleaning process when the interior of the canister is being cleaned (p. 6, lines 4-7). This feature is not disclosed in either of the cited references In

Hallsworth et al., the ball 54 is not detached from the rod 56 and valve 48 (see column 3, lines 5-14 and Fig. 3). In Reynolds et al., the float 29 is attached to the upstanding hollow neck 30 and valve 32 (column 3, lines 56-59 and Figs. 6 and 7). The feature of new claim 5 therefore further distinguishes Applicant's invention from the cited references.

### **IV. Conclusion**

Applicant respectfully requests reconsideration and allowance of the pending claims. If there are any remaining issues preventing allowance that may be clarified by telephone, the Examiner is requested to phone the undersigned.

Respectfully submitted,

By:  .

David J. McGruder  
Registration No. 32,375  
tel: 604.669.3432 ext. 9040  
fax: 604.681.4081  
e-mail: dmcgruder@patentable.com

Vancouver, B.C.  
CANADA